

### **REMARKS**

In the Office Action mailed November 9, 2007, the Examiner restricted the claims under 35 U.S.C. §§121 and 372 into two groups:

Group I - Claims 1-30 drawn to nucleic acid which binds to bioactive ghrelin; and

Group II – claims 31-78 drawn to a method for detecting bioactive ghrelin,

and required Applicants to elect a group for prosecution.

The Examiner also required Applicants to elect a species from each of the categories a to g set out at pages 3-7 of the Office Action, and identify the claims readable on the elected species.

Applicants elect for prosecution the claims in Group I (claims 1-30) directed to nucleic acid which binds to bioactive ghrelin. Applicants also elect the following species:

Category a - Species of nucleic acid: option vii - wherein the nucleic acid has a secondary structure shown in Figure 1B. Claims 1 and 9 read on the elected species.

Category b – Species of interaction partners: option xxiv – wherein the interaction partner is nucleic acids. Claim 35, 36, 38, 39, 51 and 54 read on the elected species.

Category c – Species of ghrelin: option xxviii – bioactive ghrelin. Claims 31, 45, 46, 47, 50, 52, 56 and 73 read on the elected species.

Category d – Species of functional nucleic acid: option xxxi – spiegelmers. Claims 54 and 55 read on the elected species.

Category e – Species of detection means: option xxxii – detection means is a nucleic acid. Claims 57 and 58 read on the elected species.

Category f – Species of detection label: option xxxviii – detection label is biotin. Claims 32, 63, 64 and 66 read on the elected species.

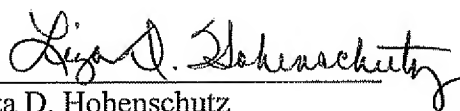
Category g – Species of second detection means: option li – a streptavidin carrying molecule. Claims 65 and 66 read on the elected species.

An early and favorable Office Action is respectfully requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 14167-00002-US. A duplicate copy of this paper is enclosed.

Dated: April 9, 2008

Respectfully submitted,

By   
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